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A Limited Liability Partnership

2 Including Professional Corporations

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11 Attorneys for Streeterville Capital, LLC

12
13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

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16 SOLARJUICE AMERICAN, INC., a
17 Delaware corporation, and SPI ENERGY CO.
18 LTD, a Cayman Islands Corporation, and SPI
19 INVESTMENTS HOLDING LIMITED, a
British Virgin Islands incorporated entity,

20 Plaintiffs,

21 v.

22 STREETERVILLE CAPITAL, LLC, a Utah
limited liability company, and DOES 1
23 through 200, inclusive,

24 Defendant.

Case No. 3:24-cv-00947-AGT

Magistrate Judge: Hon. Alex G. Tse

**DEFENDANT STREETERVILLE
CAPITAL LLC'S NOTICE OF MOTION
AND MOTION TO DISMISS OR STAY
PENDING ARBITRATION**

*[Memorandum of Points and Authorities,
Declaration of Jarom R. Jones, Request for
Judicial Notice and Proposed Order filed
concurrently herewith]*

Date: April 12, 2024

Time: 2:00 PM

Courtroom: A – 15th Floor

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT on April 12, 2024 at 2:00 p.m., or as soon thereafter as
3 counsel may be heard in Courtroom A of the above-referenced Court, Defendant Streeterville
4 Capital, LLC (“Streeterville”), will and hereby does bring this Motion to Dismiss or to Stay
5 Pending Arbitration (the “Motion”), pursuant to Federal Rule of Civil Procedure 12 and the
6 Federal Arbitration Act, 9 U.S.C. § 3 (the “FAA”).

7 Streeterville bring this Motion California is an improper forum to decide the parties’
8 dispute. A California court cannot exercise personal jurisdiction over Streeterville with respect to
9 the claims alleged. Moreover, the parties must arbitrate this dispute pursuant to the arbitration
10 provisions contained in both the Securities Purchase Agreement and Convertible Promissory Note.
11 Dismissal is also required under the first-to-file rule based on a March 2020 arbitration
12 Streeterville commenced and a related action in Utah state court. Accordingly, Streeterville asks
13 the Court to either: (1) dismiss the Amended Complaint under Rule 12(b)(2) for lack of personal
14 jurisdiction over Streeterville; or alternatively, (2) dismiss or stay the Amended Complaint under
15 Rule 12(b)(3) and the Federal Arbitration Act, 9 U.S.C. § 3 (the “FAA”) because of an arbitration
16 agreement; or alternatively, (3) dismiss the Amended Complaint under the first-to-file rule.
17 Streeterville asks the Court to decide each of the foregoing requests sequentially—considering
18 alternative grounds for dismissal only if the Court denies relief on prior grounds.

19 This Motion is based on this Notice of Motion, the accompanying Memorandum of Points
20 and Authorities, all pleadings and documents on file in this case and on such other written or oral
21 argument as may be presented to the Court.

1 Dated: February 23, 2024

2 BENNETT TUELLER JOHNSON & DEERE

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4 By /s/ Jarom R. Jones
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